

Message Text

UNCLASSIFIED

PAGE 01 MANILA 07069 021105Z
ACTION L-03

INFO OCT-01 EA-12 ISO-00 /016 W
-----128957 021116Z /15

R 020907Z MAY 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 0000
INFO DEPT JUSTICE WASHDC
USVA WASHDC

UNCLAS MANILA 07069

DEPTJUSTICE FOR FOREIGN CIVIL LITIGATION UNIT
USVA FOR GENERAL COUNSEL

E.O. 11652 N/A
TAGS: ACLAM, CPRS
SUBJECT: CASE AGAINST USVA EMPLOYEES/MANAOG VERSUS VILARO
OR PILARO
REF: (A) MANILA 2075 (B) STATE 033753

1. ON APRIL 28, EMBASSY RECEIVED DFA NOTE FORWARDING COURT ORDER DISMISSING PLAINTIFF'S CASE FOR LACK OF JURISDICTION. ORDER CHARACTERIZES EMBASSY NOTE (REFA) RECEIVED BY COURT FROM DFA AS IN EFFECT A MOTION TO DISMISS AND STATES QUOTE THIS COURT HAS NO JURISDICTION TO ENTERTAIN THE COMPLAINT BECAUSE OF THE WELL-SETTLED DOCTRINE BOTH IN PHILIPPINE LAW AS WELL AS UNDER INTERNATIONAL LAW THAT THE DIRECTOR OF THE UNITED STATES VETERANS ADMINISTRATION IS A MERE AGENT OF THE UNITED STATES OF AMERICA, WHICH CANNOT BE SUED WITHOUT ITS CONSENT (CITING SYQUIA AND OTHER CASES). THIS NOTWITHSTANDING, PLAINTIFF HEREIN IS NOT LEFT WITHOUT RECOURSE BECAUSE ALTHOUGH HER CLAIM HAS BEEN DENIED OR DISALLOWED BY THE U.S. VETERANS ADMINISTRATION, SHE CAN STILL APPEAL TO THE UNITED STATES BOARD OF VETERANS' APPEAL WHICH IS THE PROPER OFFICE THAT SHOULD REVIEW AND PASS UPON THE VALIDITY OF HER CLAIM. (CITING UNCLASSIFIED

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANILA07069
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
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Executive Order: N/A
Errors: N/A
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Film Number: D780186-0709
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From: MANILA
Handling Restrictions: n/a
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Secure: OPEN
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Review Markings:
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